

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

☐ Valuation of Security ☐ Assumption of Executory Contract or Unexpired Lease ☐ Lien Avoidance

Last Revised September 1, 2018

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

IN RE:

Case No. **2:18-bk-13304**

Judge John K Sherwood

Hermann, Michelle

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

☐ Original

☒ Modified/Notice Required

Date: **September 5, 2018**

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney:

Initial Debtor: **MH**

Initial Co-Debtor:

MH

Part 1: Payment and Length of Plan

- a. The debtor shall pay \$ per month to the Chapter 13 Trustee, starting on 3/1/18 for approximately 36 months.
\$105.57 per month for months 1-7
\$100.00 per month for months 8-36
- b. The debtor shall make plan payments to the Trustee from the following sources:
☒ Future Earnings
☐ Other sources of funding (describe source, amount and date when funds are available):
- c. Use of real property to satisfy plan obligations:
☐ Sale of real property
Description:
Proposed date for completion: _____
☐ Refinance of real property
Description:
Proposed date for completion: _____
☐ Loan modification with respect to mortgage encumbering property
Description:
Proposed date for completion: _____
- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☒ NONE

- a. Adequate protection payments will be made in the amount of \$ None to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).
- b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Todd Murphy Law	Administrative Expense	1,500.00

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
None			

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: [] NONE

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: [X] NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
None					

c. Secured claims excluded from 11 U.S.C. 506: [X] NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
None				

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments [X] NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
None							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender [] NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Ally Financial	2016 Hyundai Elantra	10,018.00	13,347.00
Home Point Financial(Cenlar)	19 Woodsedge ave. Budd Lake, NJ 07826	\$116,000.00	unknown

f. Secured Claims Unaffected by the Plan [X] NONE

The following secured claims are unaffected by the Plan:
None

g. Secured Claims to Be Paid in Full Through the Plan [X] NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
None		

Part 5: Unsecured Claims [] NONE

a. Not separately classified allowed non-priority unsecured claims shall be paid:

Not less than \$ _____ to be distributed *pro rata*
 Not less than _____ percent
☒ *Pro Rata* distribution from any remaining funds

b. Separately Classified Unsecured Claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
None			

Part 6: Executory Contracts and Unexpired Leases [X] NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
None				

Part 7: Motions [] NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). [] NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
None							

b. Motion to Void Liens and Reclassify Claim from Secured to Completely Unsecured. [X] NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Total Amount of Lien to be Reclassified
None						

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. [X] NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
None					

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

X Upon Confirmation
 Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Sections 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. Post-petition claims The Standing Trustee [] is, [X] is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification [] NONE

If this plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 2/23/18

Explain below why the Plan is being modified.	Explain below how the Plan is being modified.
The debtor is surrendering her house	Modified to 36 months to pay a pro rata dividend to the unsecured creditors

Are Schedules I and J being filed simultaneously with this Modified Plan? [] Yes [X] No

Part 10: Non-Standard Provisions: Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

[X] NONE

[] Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, Chapter 13 Plan and Motions, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: 9/17/18


Debtor

Date:


Joint Debtor

Date: 9/11/18

Attorney for the Debtor(s)

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Michelle Hermann
 Debtor

Case No. 18-13304-JKS
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 56

Date Rcvd: Sep 12, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 14, 2018.

db
 517342755 +Michelle Hermann, 220 Dapple Court, Wilmington, NC 28403-1612
 517342756 Aargon Collection Agency, 8668 Spring Mountain Rd, Las Vegas, NV 89117-4132
 517342757 Acupath Laboratories Inc, 28 S Terminal Dr, Plainview, NY 11803-2309
 517342761 Allied Interstae Collection, PO Box 530948, Atlanta, GA 30353-0948
 517342776 Barclays Bank Delaware, PO Box 8803, Wilmington, DE 19899-8803
 ++CONTINENTAL FINANCE COMPANY LLC, PO BOX 8099, NEWARK DE 19714-8099
 (address filed with court: Mabt/contfin, PO Box 8099, Newark, DE 19714-8099)
 517449587 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 517342764 Ccs/First National Ban, PO Box 5097, Sioux Falls, SD 57117-5097
 517342765 Citibank North America, PO Box 790040, Saint Louis, MO 63179-0040
 517456705 +Department Stores National Bank, Citibank, N.A., 701 East 60th Street North,
 Sioux Falls, SD 57104-0493
 517342768 Dsnb Macys, PO Box 8053, Mason, OH 45040-8053
 517342769 +First Premier Bank, 601 S Minnesota Ave, Sioux Falls, SD 57104-4868
 517342770 Hal H. Kimowitz DMD, 75 Bloomfield Ave Ste 205, Denville, NJ 07834-2737
 517342772 Home Point Financial, NmIs, 9 Entin Rd # 7706, Parsippany, NJ 07054-5000
 517342771 Home Point Financial, PO Box 77404, Ewing, NJ 08628-6404
 517485728 +Home Point Financial Corporation, 11511 Luna Road, Ste. 300,
 Farmers Branch, TX 75234-6022
 517342774 Kohls/capone, PO Box 30285, Salt Lake City, UT 84130-0285
 517342775 LCA Collections, PO Box 2240, Burlington, NC 27216-2240
 517342777 Mohela/Dept of Ed, 633 Spirit Dr, Chesterfield, MO 63005-1243
 517342778 Mount Olive Township, PO Box 450, Budd Lake, NJ 07828-0450
 517342782 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
 TRENTON NJ 08646-0245
 (address filed with court: State of New Jersey, Division of Taxation, PO Box 245,
 Trenton, NJ 08695-0245)
 517342779 Sears/Cbna, PO Box 790040, Saint Louis, MO 63179-0040
 517342780 Skylands, 33 Newton Sparta Rd, Newton, NJ 07860-2764
 517342781 Skylands Medical Group, 33 Newton Sparta Rd Ste 5, Newton, NJ 07860-2764
 517342788 Verve, PO Box 3220, Buffalo, NY 14240-3220
 517342790 WFFNB/Bob's Disount Furntiure, PO Box 10438, Des Moines, IA 50306-0438
 517412569 Wells Fargo Bank, N.A., PO Box 10438, MAC F8235-02F, Des Moines, IA 50306-0438

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Sep 12 2018 23:56:06 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpreregion03.ne.ecf@usdoj.gov Sep 12 2018 23:56:03 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 cr +E-mail/PDF: gecsedirecoverycorp.com Sep 12 2018 23:53:39
 Synchrony Bank, c/o PRA Recievables Management, LL, POB 41021, Norfolk, VA 23541-1021
 517385077 E-mail/Text: ally@ebn.phinsolutions.com Sep 12 2018 23:55:07 Ally Financial,
 PO Box 130424, Roseville MN 55113-0004
 517342758 E-mail/Text: ally@ebn.phinsolutions.com Sep 12 2018 23:55:07 Ally Financial,
 200 Renaissance Ctr, Detroit, MI 48243-1300
 517342759 E-mail/Text: bkrpt@retrievalmasters.com Sep 12 2018 23:56:02
 American Medical Collection Agency, 4 Westchester Plz Ste 110, Elmsford, NY 10523-1615
 517481151 E-mail/PDF: resurgentbknofications@resurgent.com Sep 13 2018 00:05:46
 Ashley Funding Services, LLC its successors and, assigns as assignee of Laboratory,
 Corporation of America Holdings, Resurgent Capital Services, PO Box 10587,
 Greenville, SC 29603-0587
 517342760 E-mail/Text: bk@avant.com Sep 12 2018 23:56:53 Avant, PO Box 9183380,
 Chicago, IL 60691-3380
 517342762 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Sep 12 2018 23:53:06 Capital One,
 PO Box 30285, Salt Lake City, UT 84130-0285
 517342763 E-mail/Text: bkr@cardworks.com Sep 12 2018 23:54:57 Cardworks/CW nexus, PO Box 9201,
 Old Bethpage, NY 11804-9001
 517342766 E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Sep 12 2018 23:55:49 Comenitybank/victoria,
 PO Box 182125, Columbus, OH 43218-2125
 517342767 E-mail/PDF: creditonebknofications@resurgent.com Sep 12 2018 23:54:30 Credit One Bank NA,
 PO Box 98873, Las Vegas, NV 89193-8873
 517342773 E-mail/Text: cio.bncmail@irs.gov Sep 12 2018 23:55:28 IRS, 955 S Springfield Ave Bldg A,
 Springfield, NJ 07081-3570
 517480303 E-mail/PDF: resurgentbknofications@resurgent.com Sep 12 2018 23:54:31
 LVNV Funding, LLC its successors and assigns as, assignee of MHC Receivables, LLC and,
 FNBM, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 517480883 E-mail/Text: bkr@cardworks.com Sep 12 2018 23:54:57 MERRICK BANK,
 Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
 517485075 +E-mail/Text: bankruptcydpt@mcsmcg.com Sep 12 2018 23:56:02 MIDLAND FUNDING LLC,
 PO Box 2011, Warren, MI 48090-2011
 517459682 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 12 2018 23:54:27
 Portfolio Recovery Associates, LLC, c/o Barclaycard, POB 41067, Norfolk VA 23541

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 56

Date Rcvd: Sep 12, 2018

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

517448468 +E-mail/Text: JCAP_BNC_Notices@jcap.com Sep 12 2018 23:56:23 Premier Bankcard, LLC,
Jefferson Capital Systems LLC Assignee, Po Box 7999, Saint Cloud Mn 56302-7999
517476367 E-mail/Text: bnc-quantum@quantum3group.com Sep 12 2018 23:55:57
Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
517448776 E-mail/Text: bnc-quantum@quantum3group.com Sep 12 2018 23:55:58
Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
517342783 E-mail/PDF: gecsedirecoverycorp.com Sep 12 2018 23:53:03 Synch/Care Credit,
PO Box 965060, Orlando, FL 32896-5060
517342784 E-mail/PDF: gecsedirecoverycorp.com Sep 12 2018 23:54:20 Synch/jcp, PO Box 965060,
Orlando, FL 32896-5060
517342785 E-mail/PDF: gecsedirecoverycorp.com Sep 12 2018 23:54:20 Synch/paypal Smart Con,
PO Box 965005, Orlando, FL 32896-5005
517342786 E-mail/PDF: gecsedirecoverycorp.com Sep 12 2018 23:53:39 Synch/tjx Cos, PO Box 965060,
Orlando, FL 32896-5060
517342787 E-mail/PDF: gecsedirecoverycorp.com Sep 12 2018 23:53:38 SynchRoNY Bank/Amazon,
PO Box 965060, Orlando, FL 32896-5060
517345240 +E-mail/PDF: gecsedirecoverycorp.com Sep 12 2018 23:53:40 Synchrony Bank,
c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
517474706 +E-mail/PDF: gecsedirecoverycorp.com Sep 12 2018 23:54:20 Synchrony Bank,
c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk VA 23541-1021
517468053 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Sep 13 2018 00:06:03 Verizon,
by American InfoSource LP as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
517342789 E-mail/Text: bnc-bluestem@quantum3group.com Sep 12 2018 23:56:53 Web Bank/Fingerhut,
PO Box 166, Newark, NJ 07101-0166

TOTAL: 29

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 14, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 11, 2018 at the address(es) listed below:

J. Todd Murphy on behalf of Debtor Michelle Hermann tmurphy@toddmurphyllaw.com,
tmurphyecfmail@gmail.com;ejacobson26@gmail.com;G7187@notify.cincompass.com
Kevin Gordon McDonald on behalf of Creditor Home Point Financial Corporation
kmcDonald@blankrome.com, bkgroup@kmlawgroup.com
Marie-Ann Greenberg magecf@magtrustee.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 4